

NO. 25716

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

ANTHONY HART, Petitioner,

vs.

HONORABLE GREGG YOUNG, PER DIEM DISTRICT JUDGE; FAMILY COURT
OF THE FIRST CIRCUIT, BY AND THROUGH ITS SENIOR JUDGE,
THE HONORABLE FRANCES Q.F. WONG; BEVERLEE HART, Respondents.

ORIGINAL PROCEEDING

ORDER DENYING PETITIONER ANTHONY HART'S APPLICATION FOR
WRIT OF MANDAMUS, PROHIBITION AND OTHER EXTRAORDINARY WRIT
(By: Moon, C.J., Levinson and Nakayama, JJ., Circuit Judge
Ibarra, in place of Acoba, J., who is unavailable,
and Circuit Judge Blondin, assigned by reason of vacancy)

Upon consideration of Petitioner Anthony Hart's application for a writ of mandamus, prohibition, and other extraordinary writ, the papers in support, and the records and files herein, it appears that: (1) Petitioner is seeking review of orders entered in Hart v. Hart, UIFS No. 03-1-0001, presently pending in the Family Court of the First Circuit; (2) a writ of mandamus or prohibition is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action, State v. Hamili, 87 Hawai'i 102, 104, 952 P.2d 390, 392 (1998); and (3) such a writ is not intended to take the place of an appeal. Id. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus, prohibition, and other extraordinary writ is denied without prejudice to any remedy Petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, April 16, 2003.

Richard Lee and
Paul D. Hicks for
petitioner on the
application